

1-1 By: Ellis S.B. No. 1563
 1-2 (In the Senate - Filed March 8, 2013; March 19, 2013, read
 1-3 first time and referred to Committee on Open Government;
 1-4 May 3, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 5, Nays 0; May 3, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Ellis	X		
1-10	Davis	X		
1-11	Nelson	X		
1-12	Seliger	X		
1-13	Williams	X		

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1563 By: Ellis

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the definition of and access to public information.
 1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-19 SECTION 1. Section 552.002, Government Code, is amended to
 1-20 read as follows:
 1-21 Sec. 552.002. DEFINITION OF PUBLIC INFORMATION; MEDIA
 1-22 CONTAINING PUBLIC INFORMATION. (a) In this chapter, "public
 1-23 information" means information that is written, produced,
 1-24 collected, assembled, or maintained under a law or ordinance or in
 1-25 connection with the transaction of official business:
 1-26 (1) by a governmental body; [~~or~~]
 1-27 (2) for a governmental body and the governmental body:
 1-28 (A) owns the information; [~~or~~]
 1-29 (B) has a right of access to the information; or
 1-30 (C) spends or contributes public money for the
 1-31 purpose of writing, producing, collecting, assembling, or
 1-32 maintaining the information; or
 1-33 (3) by an individual officer or employee of a
 1-34 governmental body in the officer's or employee's official capacity
 1-35 and the information pertains to official business of the
 1-36 governmental body [~~it~~].
 1-37 (a-1) Information is in connection with the transaction of
 1-38 official business if the information is created by, transmitted to,
 1-39 received by, or maintained by an officer or employee of the
 1-40 governmental body in the officer's or employee's official capacity,
 1-41 or a person or entity performing official business or a
 1-42 governmental function on behalf of a governmental body, and
 1-43 pertains to official business of the governmental body.
 1-44 (a-2) The definition of "public information" provided by
 1-45 Subsection (a) applies to and includes any electronic communication
 1-46 created, transmitted, received, or maintained on any device if the
 1-47 communication is in connection with the transaction of official
 1-48 business.
 1-49 (b) The media on which public information is recorded
 1-50 include:
 1-51 (1) paper;
 1-52 (2) film;
 1-53 (3) a magnetic, optical, [~~or~~] solid state, or other
 1-54 device that can store an electronic signal;
 1-55 (4) tape;
 1-56 (5) Mylar; and
 1-57 (6) any physical material on which information may be
 1-58 recorded, including linen, [~~+~~
 1-59 [~~7~~] silk, [~~+~~] and
 1-60 [~~8~~] vellum.

2-1 (c) The general forms in which the media containing public
2-2 information exist include a book, paper, letter, document, e-mail,
2-3 Internet posting, text message, instant message, other electronic
2-4 communication, printout, photograph, film, tape, microfiche,
2-5 microfilm, photostat, sound recording, map, and drawing and a
2-6 voice, data, or video representation held in computer memory.

2-7 SECTION 2. Section 552.003, Government Code, is amended by
2-8 adding Subdivision (2-a) to read as follows:

2-9 (2-a) "Official business" means any matter over which a
2-10 governmental body has or seeks to have any authority,
2-11 administrative duties, or advisory duties.

2-12 SECTION 3. This Act takes effect immediately if it receives
2-13 a vote of two-thirds of all the members elected to each house, as
2-14 provided by Section 39, Article III, Texas Constitution. If this
2-15 Act does not receive the vote necessary for immediate effect, this
2-16 Act takes effect September 1, 2013.

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